

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KATHY WRAY COLEMAN,)	JUDGE CHRISTOPHER A. BOYKO
)	
Plaintiff.)	CASE NO.1:09CV2164
)	
-vs-)	
)	
CUYAHOGA COUNTY BOARD OF)	
COMMISSIONERS, et al.,)	ORDER STRIKING REPORT
)	AND RECOMMENDATION
Defendants)	OF MAGISTRATE JUDGE

This matter was referred to Magistrate Judge James Gallas for General Pretrial Supervision on September 24, 2009, ECF Doc. No. 10.

On October 5, 2009, the Magistrate Judge issued a Report and Recommendation on Defendant Gerald T. McFauls "Motion to Dismiss, Quash Service of the Complaint or Amended Complaint" based on Civ.R.12(B)(5) and recommended Defendant's "Motion to Dismiss" be denied and any attempted service upon him prior to this date be quashed, ECF Doc. No. 15.

Defendant McFaul's "Motion to Dismiss" is one of several filings removed from the matter before Common Pleas Court to this Court according to 28 USC § 1446,

. . . . together with a copy of all
process, pleadings and orders served
upon such defendant or defendants in
such action.

The Magistrate Judge improperly ruled on Motions filed in the Court of Common Pleas instead of addressing any motion properly filed (not removed) in this Court.

Therefore, the Report and Recommendation, ECF Doc. No.15, is STRICKEN from the record. The Magistrate Judge shall consider and file a Report and Recommendation on Plaintiff's "Motion to Dismiss filed by Mary Jane Bozza, Gustalo Nunez," ECF Doc. No 7.

Plaintiff's Proposed Stipulation for a 30 day leave to Plead to Plaintiff's Motion to Dismiss (ECF Doc. No. 22) and the non-document order granting Plaintiff's Motion for Leave until 11/23/09 to Plead (Stipulation) are STRICKEN.

Plaintiff shall register for Electronic Filing and electronically file documents prior to filing any pleadings or motions in this case.

IT IS SO ORDERED.

s/Christopher A. Boyko
Christopher A. Boyko
U.S. District Court Judge

October 26, 2009